

ORDINANCE NO. 19-03

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 3 “HOUSING ELEMENT” AND ASSOCIATED OBJECTIVES AND POLICIES OF THE VILLAGE’S COMPREHENSIVE PLAN; ESTABLISHING GOAL 3-2 ENTITLED “WORKFORCE-AFFORDABLE HOUSING INITIATIVE” TO PROVIDE FOR AN ADDITIONAL 300 AFFORDABLE UNIT ALLOCATIONS TO BE IDENTIFIED AS THE “AFFORDABLE-EARLY EVACUATION POOL”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, in 2001, Islamorada, Village of Islands, Florida (the “Village”) adopted the Village Comprehensive Plan Village Comprehensive Plan (the “Comprehensive Plan”) which has been determined to be compliant by the State Department of Economic Opportunity (“DEO”), formally the Department of Community Affairs (“DCA”); and

WHEREAS, the Village is located within the Florida Keys Area of Critical State Concern (the “FKACSC”) as established pursuant to Chapter 380, Florida Statutes; and

WHEREAS, Section 163.3184, F.S., establishes a process for adoption of comprehensive plans and Plan Amendments; and

WHEREAS, pursuant to Chapter 163, Part II, Chapter 166 and Chapter 380 Florida Statutes (F.S.), the Village proposes to amend Chapter 3 “Housing Element” of the Comprehensive

Plan by adding Goal 3-2 “Workforce-Affordable Housing Initiative” and associated Objectives and Policies; and

WHEREAS, the proposed amendments further the goals, objectives and policies of the Village Comprehensive Plan; and

WHEREAS, pursuant to Florida Statutes and the Village Code of Ordinances (the “Code”) the Local Planning Agency (LPA) held a public hearing on January 9, 2017 to review the proposed text amendments to the Comprehensive Plan; and

WHEREAS, the Village Council held public hearings to review the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Village Council finds that the proposed amendments to the Comprehensive Plan are consistent with the Village Comprehensive Plan, the Principles for Guiding Development in the Florida Keys Area of Critical State Concern and are in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Section 2. **Amending Chapter 3 “Housing Element” to Establish Goal 3-2 “Workforce-Affordable Housing Initiative.** The amendment to the Comprehensive Plan is to amend Chapter 3 “Housing Element” to Establish Goal 3-2 “Workforce-Affordable Housing Initiative and related objectives and policies as follows:

Goal 3-2 – Workforce-Affordable Housing Initiative.
To support the Village of Islamorada’s workforce by alleviating constraints on affordable housing, the Village shall participate in the Workforce-Affordable Housing Initiative, as approved by the Florida Administration Commission during its June 13, 2018 meeting. The Workforce-Affordable

Housing Initiative will require any participating new construction or repurposed structures to commit to evacuating renters within the 48 to 24-hour window of evacuation from the Village.

Objective 3-2.1 – Provide Workforce-Affordable Housing Building Permit Allocations.

Pursuant to Objective 3-1.1, the Village has worked with the State Department of Economic Opportunity to “provide alternative solutions to improve access to affordable housing.” The Village therefore shall establish a new limited category to be known as the “Affordable-Early Evacuation Pool” for 300 workforce-affordable building permit allocations to participate in the Workforce-Affordable Housing Initiative. These allocations are in addition to the maximum allocations identified in Rules 28-19, Florida Administrative Code. The Village shall be responsible for the management, distribution, and enforcement of requirements associated with the POA allocations. The Village of Islamorada shall ensure adherence to these requirements through implementing the policies of this objective.

Policy 3-2.1.1 – Distribution of Workforce-Affordable Housing Allocations.

Workforce-affordable housing allocations shall be distributed at any time through adequate public notice and hearing procedures as set forth in Chapter 30 of the Village’s Land Development Regulations and in accordance with the BPAS ranking procedures established in Chapter 30 Article 4, Division 11 “Building Permit Allocation System (BPAS).

Policy 3-2.1.2 - Specific Standards and Requirements for Workforce-Affordable Housing.

Workforce-affordable housing units built under this program shall:

- a. be multifamily structures;
- b. be rental units;
- c. require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission;
- d. not be placed in the V-Zone or within the Coastal Barrier Resource Systems;
- e. require on-site property management;
- f. comply with applicable habitat and other locational criteria and densities for multifamily affordable housing units;
- g. shall not be placed in any habitat defined as mangroves, saltmarsh & buttonwood, tropical hardwood hammock or fresh water wetlands (except for disturbed categories);
- h. incorporate sustainable and resilient design principles into the overall site design;
- i. ensure accessibility to employment centers and amenities;
- j. require deed-restrictions ensuring that:
 - i. the property remains workforce-affordable housing in perpetuity;
 - ii. tenants evacuate during the period in which transient units are required to evacuate;

- iii. rental agreements contain a separate disclosure requiring renters to acknowledge that failure to adhere to the evacuation requirement could result in severe penalties, including eviction, to the resident;
- iv. onsite property managers are formally trained in evacuation procedures.

Policy 3-2.1.3 – Evacuation exemptions. Persons living in workforce-affordable housing who are exempt from evacuation requirements of Policy 2-1.2.9 includes all first responders, correction officers, health care professionals, or other first-response workers required to remain during an emergency, provided that the person claiming exemption under this policy has faithfully certified their status with property management.

Policy 3-2.1.4 – ADA Compliance. All workforce-affordable housing developments must demonstrate compliance with all applicable federal standards for accessibility for persons with disabilities.

Policy 3-2.1.4 -Evaluation and Report. The Village of Islamorada shall provide an Annual Report to the state land planning agency on the progress and implementation of the Workforce-Affordable Housing Initiative. Reported information for each year shall include documentation of the number of workforce-affordable units built, occupancy rates, and compliance with the requirement to evacuate the units within the Phase I evacuation. Such report shall be provided to the State in a timely manner such that the State may include the information in the required Annual Report to the Governor and Cabinet on the Village of Islamorada’s progress toward completion of its Work Program pursuant to Rule 28-19 of the F.A.C.

Section 4. Transmittal. Pursuant to Sections 163.3184 and 163.3187(6)(a), Florida Statutes, the Village Clerk is authorized to forward a copy of this Ordinance to the State Department of Economic Opportunity (the “DEO”).

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Effective Date.** This Ordinance shall not be effective immediately upon adoption. However, the Amendment shall not take effect until the date the final order is issued by the Department of Economic Opportunity to be in compliance in accordance with Chapter 163.3184, Florida Statutes. The Department of Economic Opportunity (“DEO”) notice of intent to find the Amendment in compliance shall be deemed to be the final order if no timely petition challenging the Amendment is filed.

The foregoing Ordinance was offered by Councilman Ken Davis, who moved its adoption on first reading. This motion was seconded by Councilman Jim Mooney, and upon being put to a vote, the vote was as follows:

Mayor Deb Gillis	YES
Vice-Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED on first reading this 13th day of December, 2018.

The foregoing Ordinance was offered by Vice Mayor Mike Forster, who moved for its adoption. This motion was seconded by Councilman Jim Mooney, and upon being put to a vote, the vote was as follows:

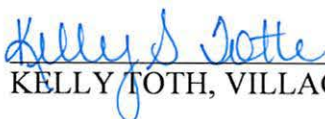
Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED on the second reading 4th day of April, 2019.



DEB GILLIS, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY